

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

REGINALD G. BAKER,

Plaintiff,

v.

LEIGH ANN RETELSDORF, TOM  
RILEY, BRENDA LEUCK, and  
RYAN LINDBERG,

Defendants.

4:14CV3103

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. Plaintiff filed a Complaint in this court on May 19, 2014, without payment of the court's filing and administrative fees. As set forth in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot:

[B]ring a civil action [in forma pauperis] . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\).](#)

The court has identified the following cases that may have been brought by Plaintiff that were dismissed because they were frivolous or malicious: *Baker v. Polk County, et al.*, 4:94CV70913-HDV (S.D. Iowa), dismissed as frivolous on February 6, 1995; *Baker v. State of Iowa, et al.*, 4:95CV80148-CRW (S.D. Iowa), dismissed as frivolous on March 7, 1995; *Baker v. Dodge County, et al.*, 8:96CV181-TMS (D. Neb.), dismissed as frivolous or malicious on July 3, 1996.

On June 11, 2014, the court ordered Plaintiff to show cause why these cases should not be considered strikes against him per the terms of the PLRA, and why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. §1915\(g\)](#). Plaintiff responded, in relevant part:

Regarding *Baker v. Dodge County, et al.*, 8:96CV181-TMS dismissed as frivolous or malicious on July 3, 1996. At the time I was incarcerated at in Oakdale, Iowa. I don't recall any legal action taken by me in 1996. I do not recall any defendants or specifics or defendants in that case. There are several Bakers in the Dodge County, one being my brother.

(Filing No. [15](#) at CM/ECF p. 1.)

On the court's own motion, Plaintiff is ordered to show cause within 30 days of this court's Memorandum and Order why *Baker v. Dodge County, et al.*, 8:96CV181-TMS (D. Neb.), dismissed as frivolous or malicious on July 3, 1996, should not be considered a strike against him per the terms of the PLRA. This court's records reflect that the case was filed by Reginald G. Baker, inmate number 1069179-2A, on March 18, 1996. This court's records also reflect that Reginald G. Baker was incarcerated at the Mt. Pleasant Correctional Facility in Mt. Pleasant, Iowa, at the time the Complaint was filed. The court will direct the clerk's office to send Plaintiff a copy of the docket sheet in *Baker v. Dodge County, et al.*, 8:96CV181-TMS (D. Neb.).

IT IS THEREFORE ORDERED that:

1. Plaintiff is ordered to show cause within 30 days of this court's Memorandum and Order why *Baker v. Dodge County, et al.*, 8:96CV181-TMS (D. Neb.), dismissed as frivolous or malicious on July 3, 1996, should not be considered a strike against him per the terms of the PLRA.

2. The clerk's office is directed to send Plaintiff a copy of the docket sheet in *Baker v. Dodge County, et al.*, 8:96CV181-TMS (D. Neb.).

3. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: August 3, 2014: Deadline for Plaintiff to show cause.

DATED this 2<sup>nd</sup> day of July, 2014.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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